

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

(Kauai)

Consent to Assign General Lease No. SP-118, Kocher
Trust, Assignor, to John and Crystal Kocher, Assignee

APPLICANT:

Kocher Trust, Assignor, to John and Crystal Kocher,
Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 7, Waimea (Kona), Kauai, Tax Map Key: (4)1-4-003:005, as
shown on the attached map labeled Exhibit A.

AREA:

.81 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CHARACTER OF USE:

Recreation - residence.

ITEM E4

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$4500.00.

CONSIDERATION:

\$0.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

N/A because all parties involved are individuals or their family trust and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Kocher Trust held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to Kocher Trust who now wishes to assign to John and Crystal Kocher.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-118 from Kocher Trust, Assignor, to John and Crystal Kocher, Assignee, subject to the following:

1. No premium to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

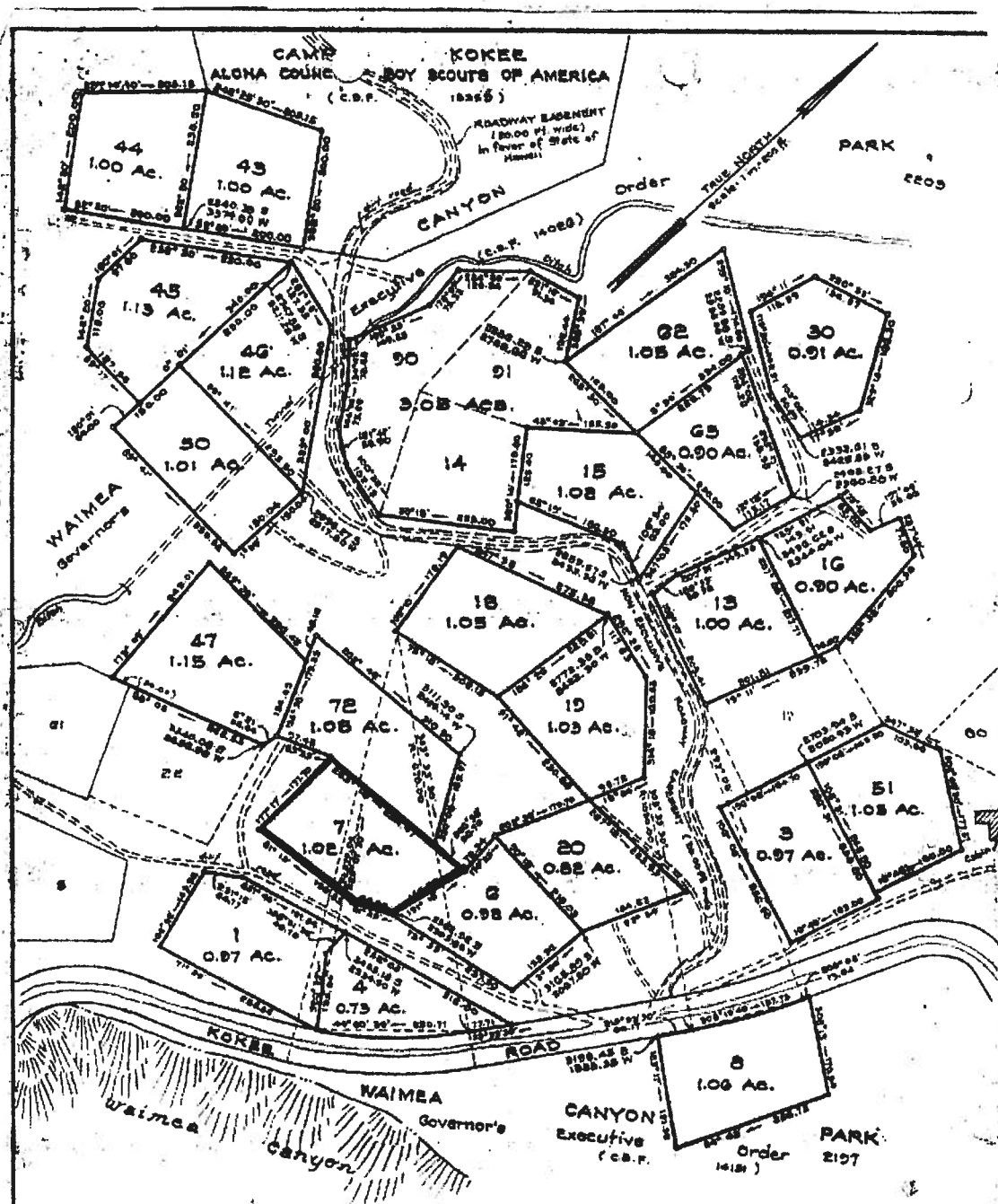


Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



(Revised November 1907)

PUU KA PELE PARK LOTS

LOTS 1, 3, 4, 6, 7, 8, 13, 14, 15, 16, 18, 19,
20, 30, 43, 44, 45, 46, 47, 50, 51, 62, 63,
72, 90 AND 91

Waimea (Kona), Kauai, Hawaii
Scale: 1 inch = 200 feet

EXHIBIT A

JOB No. K-9711
C. B. L. B. M. P. 1 (Kona)

All lot corners marked with pipes
October 1907, A.T.A. and J.G. Jr.
Coordinates referred to HALE 8 A

TAX MAP 1-4-08
Sheet 1 of 2 sheets
P. 100 FOLDER 2

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.O. Nov. 27, 1907

February 16, 2009

To: Department of Land and Natural Resources
State Parks Division
P. O. Box 621
Honolulu, Hawaii 96809

From: John and Crystal Kocher
P. O. Box 1013
Kalaheo, Kauai HI 96741
808-332-9712

Re: Transferring our Koke'e Lease General Lease No. SP - 0118 TMK (4) 1-4-003 : 005

From: Kocher Trust
4008 Constitution Ave.
Fairfield, Ca 94533
1-707-422-7012

To: John and Crystal Kocher
P. O. Box 1013
Kalaheo, Kauai HI 96741
1-808-332-9712

To: Daniel Quinn - State Parks Administrator

Daniel,

We did discuss this with you last year but needed to have my parents continue the lease under their name. This transfer will keep our home in our family. There will be no monetary considerations in our transfer and the bills will continue to be paid by John and Crystal Kocher. Please let us know what the State needs from my parents to move this forward to the Board.

Aloha,
John and Crystal Kocher

DEPT OF LAND &
NATURAL RESOURCES

09 FEB 23 P1:09

RECEIVED
STATE PARKS DIV.

March 23, 2009

To: Department of Land and Natural Resources
State Parks Division
P. O. Box 621
Honolulu, Hawaii 96809

From: John and Crystal Kocher
P. O. Box 1013
Kalaheo, Kauai Hi 96741

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To: Daniel Quinn - State Parks Administrator

The Kocher Trust (Albert and Helen Kocher administrators) is transferring all ownership, rights and privileges to their home in Halemanu Valley, Kauai (TMK 4 - 1 - 4 - 003: 005) over to John and Crystal Kocher. This includes all assets and financial liabilities. No monetary consideration will take place with this transfer. Bills will continue to be paid by John and Crystal Kocher.

Signed: Albert Kocher (Trustee Kocher Trust)

Albert J. Kocher

date: 3/21/09

Helen Kocher (Trustee Kocher Trust)

Helen Sheehan Kocher

date: 3/22/09

John and Crystal Kocher accept all ownership rights and assets including all financial liabilities that come with it. No monetary consideration will take place with this transfer.

Signed: John Kocher

John E. Kocher

date: 3/23/09

Crystal Kocher

Crystal Kocher

date: 3.23.09